REMARKS

Reconsideration and allowance of the above identified application is respectfully requested in light of the above amendments and the following remarks.

The Examiner's statement that a certified copy of the priority document has not been filed, is believed to be incorrect. The record indicates that this application is a national phase application based upon PCT/DE99/00302, and the PTO has acknowledged receipt of the priority document in the Notice of Acceptance of Application dated August 28, 2000. A clarification of the record by the Examiner is requested.

In response to the drawing objection, a Submittal of New Drawing is being concurrently filed, which is believed to fully satisfy the requirements of 37 CFR 1.81. The new drawing is fully supported by the original disclosure, note for example the paragraph beginning at page 9, line 15 of the original specification, and no new matter is being entered. Also, the specification has been amended at page 9, between lines 14 and 15, to describe the new drawing.

The specification has been amended to incorporate the section headings as suggested by the Examiner.

Claim 17 has been amended in a manner to overcome the indefiniteness rejection as set forth in the Official Action, and several of the remaining claims have been amended so as to be in better idiomatic English.

The Examiner's question concerning the meaning of "the information is arranged in a transmission means" in Claim 17 (now in new Claim 28) is believed to be clarified by the new drawing, which schematically illustrates how the information carrier **2** can be received in the transmission means **1**. Note also page 10, lines 3-5 of the specification.

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The phrase "within the scope of the payment procedure" in Claim 17 has been amended to read "as part of the payment of charges procedure" which is believed to clearly convey the intended meaning.

On the merits, Claims 17-27 were rejected as being unpatentable over Emery '057 in view of Michaels '167 under §103 of the patent statute. For the reasons set forth below, it is submitted that this rejection is legally untenable, and withdrawal of the rejection is solicited.

To briefly summarize, the present invention relates to a method of creating an address directory for a decentralized mobile radio network which does not require stationary relay stations, and wherein position identifications of the subscribers are listed. The directory is compiled or periodically updated so as to accommodate the movement of the subscribers, during a payment of charges for the use of the network. More particularly, and as recited in base Claim 17, the position identification of the subscriber is transmitted from the subscriber to a financial institution substantially simultaneously with the payment of charges for the use of the network. The financial institution then creates the address directory and debits an account of the subscriber.

In one preferred embodiment, and as recited in new dependent Claim 28, the position identification is transmitted via an information carrier, e.g. credit card, having a memory and while the carrier is arranged in a transmission means. Dependent Claims 24-26 are specific to other transmission systems which can be utilized with the invention.

The patent to Emery (the reference to Arnold in the §103 rejection is believed to be an error and it is assumed Emery was intended) discloses a telecommunication system composed of a plurality of mobile user devices **105** and which includes a

database **104** for storing a plurality of directory numbers, each associated with a user device, and a location identifier. The location identifier can be periodically transmitted from the mobile users to the database, so that the information can be accessed in response to a query from a user device, note column 2, lines 27-37. However, there is no teaching or suggestion of the presently claimed concept of updating the position identification simultaneously with the payment of charges for the use of the network and there is no teaching or suggestion in Emery of transmitting the position identification to a financial institution which creates the address directory and debits an account of the subscriber, as claimed. Emery also fails to suggest any of the specific transmittal systems are defined in dependent Claims 24-26 and 28.

The patent to Michaels supplies none of the above noted deficiencies of Emery. More particularly, Michaels is unrelated to the field of creating and updating an address directory for a decentralized mobile radio network. Rather, Michaels relates to a telecommunication system wherein a SIM card having a memory is used to store credit information which may be retrieved by the subscriber and forwarded to, for example, a car hire company, note the paragraph beginning at column 3, line 58. Michaels would not have suggested any modification of Emery, and certainly it would not have suggested the many claimed features as noted above which are not taught or suggested by Emery. Thus even considered collectively, the two prior patents would not have suggested the present invention.

For the reasons set forth above, it is respectfully submitted that all of the pending claims are in condition for immediate allowance, and such action is solicited.

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Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on January 17, 2003.

Joyce D. Smith

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Version with Markings to Show Changes Made:

In the Specification:

The paragraph beginning at page 7, line 8, has been amended as follows:

In accordance with the invention, the foregoing object is accomplished by a method which [having the steps of claim 1. Accordingly, the method under discussion] is carried out [configured] such that during a payment of charges for the use of the telecommunications network, the address data of the subscriber are transmitted at least in part to a data acquisition station.

The paragraph beginning at page 9, line 15, has been amended as follows:

As regards a simple transmission of address data, the transmission could be performed by an information carrier **2** that comprises a memory **3**. In a particularly simple manner, such an information carrier could be in the form of a chip card, a magnetic strip card, or a PIN card. As further examples [Concretely], the information carrier could be a credit card, a cash card, an automatic teller machine card, or a telephone card. Furthermore, the information carrier could [concretely] be formed also by an SIM card or a similar card, which is decisive for releasing the use by a subscriber in the telecommunications network. It would be possible to put the address data of the subscriber in the [a] memory **3**, so as to make an access as easy as possible during the payment of charges. Billing of charges could be performed by a method

and an apparatus as disclosed in DE 197 19 002 A1. Accordingly, the charges could be billed via an information carrier in the form of a chip card or magnetic strip card. The data necessary for billing the charges are transmitted from the information carrier to the data acquisition station or to the financial institution.

The paragraph beginning at page 10, line 3, has been amended as follows:

In a particularly reliable manner, the transmission could occur while arranging the information carrier in a transmission means 1. An automatic teller machine offers itself as a transmission means. Such an automatic teller machine could be designed and constructed not only for paying charges, but also for withdrawing cash. For purposes of writing and reading out the memory, the transmission means 1 could comprise a write/read unit for the memory. On the one hand, this will enable a transmission of address data of the subscriber, and on the other hand an actualization of the an address directory at the subscriber.

In the Claims:

Claims 17, 20-23, and 27 have been amended as follows:

17. (Amended) Method of creating an address directory from address data of subscribers in a decentralized radio network, wherein the address data comprise a subscriber identification and a position identification allocated to the subscriber, which are made available to the other subscribers, wherein substantially simultaneously with a [the] payment of

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charges for the use of the decentralized radio network, the position identification of the subscriber is transmitted from the subscriber to a financial institution serving as a data acquisition station for creating the address directory, [wherein the transmission occurs via an information carrier comprising a memory, while the information carrier is arranged in a transmission means,] and wherein as part [within the scope] of the payment of charges procedure, the financial institution debits an account of the subscriber accordingly.

20. (Amended) Method of claim 17, wherein the data acquisition station retransmits [the] address data for creating the address directory to a third party [for creating the address directory].

21. (Amended) Method of claim 28 [17], wherein the information carrier is in the form of a chip card, magnetic strip card, or PIN card.

22. (Amended) Method of claim 28 [17], wherein the transmission means is an automatic teller machine.

23. (Amended) Method of claim 28 [17], wherein the transmission means comprises a write/read unit for the memory.

27. (Amended) Method of claim 17, wherein the position identification transmitted by a [the] paying subscriber comprises both the position identification of the paying subscriber and the position identification of one or more other subscribers.

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